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ENUMERATION OF THE CHINESE POPULATION.

COMMITTEE ON THE CENSUS, U. S. SENATE,
March 27, 1890.

ARGUMENT OF HON. JOHN W. FOSTER, IN OPPOSITION TO BILL H. R. 6420, PROVIDING FOR THE ENUMERATION OF THE CHINESE POPULATION.

Mr. Chairman, I appear before your committee to-day at the request of Chinese merchants resident in the United States, to direct attention to the objectionable features of House bill 6420, which passed the House of Representatives on the 17th instant, and which has been referred to your committee, and is now pending your action thereon.

The provisions of the act to which I specially desire to direct your attention are the following: Section 1 provides that the Superintendent of Census shall enumerate the Chinese population in such manner as to enable him to make an accurate descriptive list of all Chinese persons who may be found in the United States at the time of taking the census, and shall issue to each Chinese person so enumerated a certificate numbered and registered in the Census Office, and such certificate shall be the sole evidence of the right of such Chinese person to be and remain in the United States. Section 3 provides that all Chinese persons who fail or refuse to submit themselves for enumeration, or who are found ninety days after June 1 next in the United States without such certificate, shall be deemed to be unlawfully in the United States, and may be arrested, and when adjudged to be one not lawfully entitled to be or remain in the United States, such person shall be removed from the United States to the country whence he came, or be imprisoned for a term not exceeding five years, and may be imprisoned till deported. Section 5 exempts Chinese diplomatic and consular officers from the provisions of the act.

The effect of the act will be to exclude from the United States all Chinese persons (except diplomatic and consular officers) who may not be in this country on the 1st of June next, the date of the enumeration; because it provides for only one enumeration on the date named, and declares that persons not then enumerated shall be deemed to be unlawfully in the United States. It therefore excludes teachers, students, merchants, and tourists who may thereafter come to the United States, as well as laborers. Such is not only the plain effect of the bill, but the discussion in the House shows that such was the intent of its author and advocates. And so stringent have its provisions been drawn that it subjects to imprisonment for a term of five years, or to deportation, any Chinese person who fails to be enumerated at the time named.

The act is in plain violation of the treaty between China and the United States of 1880, which contains the following stipulation:

> Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities and exemptions which are accorded to the citizens and subjects of the most favored nation.

The pending act violates the foregoing stipulation in two respects: First, it prevents the coming to and residence in the United States of any of the classes of Chinese subjects named who, by the treaty, are guarantied the right to go and come of their own free will and accord, and, second, it subjects the Chinese residents now in the United States to conditions, restrictions, and penalties not imposed upon the subjects of any other country, when, by the treaty, they are guarantied all the rights, privileges, immunities, and exemptions accorded to the subjects of the most favored nation.

The reason alleged for the passage of the act is that the laws now in force are not sufficient to prevent the coming of Chinese laborers to the United States, who, in fact, continue to come into our territory in large numbers. I assert that the reason stated is not well founded, and that the alleged fact is not true. On the contrary, I claim that the laws now in existence are sufficient, if properly enforced, to keep out any further immigration of Chinese laborers, and that, since the passage of the Scott exclusion act of October 1, 1888, very few have entered, and that the statistics show that the Chinese population in the United States is steadily diminishing.

By the act of May 6, 1882, the further coming of Chinese laborers to the United States was prohibited, and by the act of October 1, 1888, any Chinese laborer in the United States departing therefrom is prohibited from returning. The act of 1882, and the amendatory act of July 5, 1884, have stringent provisions for the deportation of any Chinese subject found unlawfully in the United States, as well as for obstructing their entrance. Besides, in order to prevent the violation of these prohibitions by laborers under the guise of merchants or others of the exempt classes, the two last-named acts contained such strict and precise provisions in regard to the entrance of these latter classes that if the United States consuls in China and elsewhere and the collectors of customs do their duty there is practically no possibility of any evasion of the law as to the absolute exclusion of laborers. A careful examination of these acts will sustain my position on this point. If any failure of the prohibition exists it is not because of the law, but of the manner in which it is enforced by the United States authorities themselves.

The opponents of Chinese immigration have appeared before each consecutive Congress since the act of 1882 passed, claiming that the existing legislation was defective, that large numbers of Chinese laborers were entering the United States in violation of law, and that the country was threatened with a Chinese inundation which would degrade and destroy American labor; when the fact is that since 1882 many more Chinese have departed from than have entered the United States. I have not been able to obtain statistics from the United States customhouses, but I have a table prepared by Col. F. A. Bee, the Chinese consul at San Francisco, an American gentleman of high standing on the Pacific coast and known to a number of Senators, showing the Chinese arrivals and departures annually at the port of San Francisco

from August 2, 1882, when the first act went into effect, up to October 1, 1888, when the Scott restriction act was passed. From this table it will be seen that the number of arrivals amounted to 51,261 and the departures to 68,974, or an excess of departures over arrivals of 17,713.

I have, further, an original certificate, signed by the collector of customs at San Francisco, dated the 12th instant, showing that the number of Chinese laborer certificates outstanding on the 1st of October, 1888, was 20,443. By the terms of the law passsd on that date these certificates were declared null and void and the holders thereof were prohibited from entering the United States.

I also have a table giving a list of all the steamers which arrived and departed from San Francisco from and to China, with the dates of arrival and departure, and the number of Chinese carried in the same, from October 1, 1888, when the Scott exclusion act was passed, up to the 14th day of the present month. This table shows that in the year and a half during which this last restrictive measure has been in force the excess of departures at that port over the arrivals has been 9,195.

Certainly these statistics do not afford any basis for the claim that further and more stringent legislation is demanded to prevent an inundation of Chinese laborers. But, say the advocates of the present bill, large numbers of Chinese laborers are crossing the long unguarded line of the Canadian and Mexican frontiers. Upon inquiry at the Treasury Department, I have been unable to obtain any substantial facts which sustain such assertions. The reports of the Treasury officials do show that there is a lax observance on the part of some of our authorities of existing laws, and that in isolated cases small numbers of Chinese laborers have attempted to cross the Canadian frontier; but I think a full investigation will prove that much the larger proportion of those who have crossed have been merchants going and returning in the way of business, and that the number at the most is very small; certainly not justifying a demand for further restrictive legislation, but, if anything, a more rigorous enforcement of existing laws. With respect to the Mexican border, it may be said that the total number of Chinese in the Mexican Republic will not exceed five hundred; that half of these at least are merchants, and that almost all of these went from the United States. In view of these facts, I respectfully submit that the reasons alleged in support of the passage of the pending bill have no substantial existence in fact, and that there is no good or sufficient cause why Congress should enact a measure which would be a plain and flagrant violation of a solemn treaty stipulation.

The fact is that the main design of this bill is, as certainly its effect would be, to cut off Chinese merchants from all intercourse with, or residence in, the United States. Is this committee prepared to recommend such a measure to the Senate? At this time, when the demand of the American manufacturer and producer is for larger markets, when an International Congress is in session in this capital deliberating upon the best means of building up trade between the nations by law and treaty, will the American Senate deliberately pass an act which is in absolute defiance of its most solemn treaty pledges, and which will cut off this country from commercial intercourse with the most populous nation on the globe, and where the possibilities of trade are greater than in any other quarter of the world? The fact is that the existing legislation has gone as far as it is possible to go and continue to maintain commercial intercourse with China. An examination of section 6 of the amended act of 1884 will show that the most restrictive, if not

humiliating, conditions are affixed to the intercourse which a Chinese merchant now holds with the United States.

So severe are these provisions that they are already in many cases shut out from the American market. Only the present month two Chinese merchants belonging to one of the oldest and most respectable firms of Hong Kong arrived at San Francisco, desiring to visit their customers in the Pacific coast cities. The section of the law just cited required that, as they came from foreign (not Chinese) territory, they should produce to the collector of customs the certificate of the Chinese consul that they were merchants, but as there was no Chinese consul at that British port, it was impossible for them to obtain the certificate required by the law; and although the collector was satisfied that they belonged to the exempt class under the treaty, and they offered to give a bond of $20,000 conditioned upon their departure from the country within four months, they were not allowed to land, but kept as prisoners on board the steamer and sent back to Hong-Kong. Here were two respectable merchants belonging to a commercial firm which had an existence before this nation was born, and whose financial standing is recognized in every money center of the world, subjects of a Government to whom we had guarantied the treatment of the most favored nation, who were seeking a temporary lodgment on our shores, and when their case was appealed to the Secretary of the Treasury and the Attorney-General these high officials, with confusion of face, were driven to confess that the law of Congress forbade even that they should set foot on shore until the steamer which was to take them back on their long journey was ready to sail. And there are Representatives in Congress who are not content with such a law as this, and would have you, honorable Senators, enact a measure even more revolting to commercial pride and international good faith.

But the advocates of this exclusion of Chinese merchants insist that our trade with China is so inconsiderable that we can well afford to lose it all, rather than allow this door to fraud to be left open. Our minister to China in a dispatch to the State Department in 1888 (For. Rel. 1888, vol. 1, p. 323) reported our trade with that country as second in importance of any of the foreign nations, standing next to that of Great Britain. Even then it is not now very large, but every student of the present condition and progress of nations must see that the vast Empire of China is just beginning to feel the effects of intercourse with the outside world. The time is not distant when it will enter upon a great era of internal development in railroad construction, mining, manufactures, and army and navy equipment. There is no country in better condition than the United States to supply the enormous demand which will be made for materials, products, and skilled workmen; and before this crusade against Chinese immigration began with the law of 1882, no government or people stood in higher favor with the Chinese nation. But if we are to continue this warfare of hostile legislation, we may bid farewell to all hope of participating in, and profiting by, that great development.

The past legislation of Congress has been bad enough; why add to it by still more offensive violations of treaty stipulations? The gentlemen who advocate this measure of dealing with the Chinese question say that we can only reach the evil by Congressional action, conceding that such action is in contravention of existing treaties. It appears that this is only the second time that our Government has felt warranted in taking such a course. How this course is regarded by China may

be seen by reading an extract from a note of the Chinese minister in this capital to Secretary Blaine.

I learn from the message of President Hayes of March 1, 1879, vetoing the act of the Forty-fifth Congress, and also from reading the decision of the Supreme Court, that only once before in the history of this country has Congress by its own act forced its Government to abandon its treaty obligations. Although this nation has entered into a multitude of treaties with all the nations of the earth, President Hayes says there is only one other instance where Congress has ventured upon the course pursued towards China, and that was in 1798, respecting the treaties with France. He further stated that the action of Congress in that instance "strongly illustrates the character and degree of justification which was then thought suitable to such a proceeding." The reasons for the act of 1798 are set forth in the preamble to that law. The first was that "the treaties concluded between the United States and France have been repeatedly violated on the part of the French Government." Can any such charge be brought against China? Has not my Government sacredly kept its plighted faith respecting all the stipulations of its treaties with the United States? The second reason given was that "the just claims of the United States for reparation of the injuries so committed have been refused." Has not China met and satisfied every just claim ever made by the United States? Is not this so strictly true that only recently your Government, by generous justice, was impelled to return a large sum which China had paid on behalf of claims overestimated? The third reason given by Congress for refusing to maintain the French treaties was that the "attempts to negotiate an amicable adjustment of all complaints between the two nations have been repelled with indignity." So far from such a state of affairs ever having existed between China and the United States, has not the very reverse of it marked their relations? (Ex. Doc. 41, p. 19, Fifty-first Congress, first session.)

The advocates of this bill have no warrant in the history of our relations with China to justify them in appealing to Congress to abrogate the treaties by legislative enactment in the way proposed. Congress itself took the initiative in establishing our first treaty relations with China by the act of 1843 (5 Stat., 624). And every treaty which we have made with China, and every modification thereof, has been done at the express solicitation of our own Government. On this point I quote again from the Chinese minister to Secretary Blaine:

When it is remembered that the treaty relations between the two nations were established at the express solicitation of your Government, and that its every request for further stipulations or modifications has been met in the highest spirit of complaisance, I think you must sympathize with my astonishment that the body which itself initiated this policy and which represents the intelligence and justice of the great American people should trample these treaties under foot and grossly offend the nation which has always held these compacts in such sacred esteem. In order to satisfy you that I have not misstated the conduct of China in the history of these negotiations, I beg to close this point with an extract from the declarations of one of your worthy predecessors. When the act of 1888 was before the Senate Mr. Evarts uttered this language:

"There has not been an approach that this Government has made to China in our domestic interests, in the questions of our polity, the questions of our naturalization, and the questions of immigrations, that the great nation confronting us has not met us in the most conciliatory and most yielding attitude." (Congressional Record, vol. 19, p. 8453.)

If such is the fact, why should you now, after having thrice yielded to the demands of the leaders of this crusade in 1882, 1884, and 1888, again place yourselves in the attitude of violators of the public faith? Is there anything in the condition of the Pacific States to justify this legislation? I think I have shown that the facts as to Chinese immigration and the interests of commerce do not warrant such a law as that proposed. But I desire now to ask your attention to another phase of this question, and one which I am sure will commend itself to your serious consideration. I have quoted the article of the treaty of 1880, which stands in direct antagonism to this bill, and I ask you to recall the circumstances under which that treaty was negotiated. After the Chinese laborers who had in time of great public straits been brought over to this country to con-

struct the great continental railway across the sierras, and other extensive public improvements in California, had done their work, there came a period of labor depression and a demand that the Burlingame treaty of 1868 should be amended as to immigration. Some of the members of this committee were in Congress at the time that treaty was negotiated, and you recall the pride with which the numerous Chinese embassy, headed by that distinguished American diplomatist, was received in this capital, and how its visit was hailed throughout the country as the dawning of a new era in our relations with the great empire of the East.

But the demand of the labor element in California was recognized as a political exigency which could not be ignored, and the Government of the United States, following its practice in the past, sent to China in 1880 a commission of three of its most experienced and able citizens to procure from the Chinese Government such a modification of the treaty of 1868 as would enable this Government to restrict the immigration of Chinese laborers. You will pardon me if, at this point, I make one more quotation from a note of the Chinese minister to Secretary Bayard, because it is valuable as showing how this negotiation impressed itself on the Chinese Government. He says:

When the American commissioners came to confer with the Imperial Chinese commissioners, they stated that their object in coming was to negotiate for such a change of the Burlingame treaty as would confer upon the Government of the United States the power to restrict or regulate the further immigration of Chinese laborers, but as to the Chinese laborers in the United States they made the following declaration:

"So far as those are concerned who, under treaty guaranty, have come to the United States, the Government recognizes but one duty, and that is to maintain them in the exercise of their treaty privileges against any opposition, whether it takes the shape of popular violence or of legislative enactment." (Foreign Relations of the United States, 1881, p. 173.)

The Chinese commissioners were very reluctant to make the stipulation as to immigration, which was regarded by them as very unusual in the intercourse of friendly nations, and when pressed by the American commissioners as a measure greatly desired for the protection of their internal interests, the Chinese commissioners inquired what would be the character of the legislation to be adopted by the American Congress if power was conceded to it to restrict the immigration. The reply of the American commissioners was that it would be "difficult to say what would be the special character of any act of Congress;" but they declared "that two great nations discussing such a subject must always assume that they will both act in good faith and with due consideration for the interests and friendship of each other." They added further, "that they were satisfied that if any special legislation worked unanticipated hardships the Government of the United States would listen in the most just and friendly spirit to the representations of the Chinese Government through their minister in Washington" (Foreign Relations, 1881, p. 185). Upon the strength of these assurances, and of the recognized fact that the legislation was not to absolutely "prohibit" immigration, the Chinese commissioners signed the treaty.

The American commissioners, in communicating to their Government the to them very satisfactory result of the negotiations, closed their dispatch with the following reference to the action of the Imperial commissioners:

"After a free and able exposition of their own views, we are satisfied that in yielding to the request of the United States they have been actuated by a sincere friendship and an honorable confidence that the large powers recognized by them as belonging to the United States, and bearing directly upon the interests of their own people, will be exercised by our Government with a wise discretion, in a spirit of reciprocal and sincere friendship, and with entire justice." (Foreign Relations, 1881, p. 198, Ex. Doc. 41, p. 6.)

Who were the commissioners that made these solemn pledges and gave these positive assurances to the Chinese Government? John F. Swift, a prominent citizen of California, selected as the representative of the element which demanded the treaty modification, now the honored representative of our country in Japan; William Henry Trescot, a trained diplomatist, who knew well the force of treaty stipulations and the binding obligation of the representations through which they were

obtained; and James B. Angell, an accomplished student of public law and a worthy representative of the best element in American politics and society. Certainly, whatever these three distinguished commissioners should unite in representing to the Chinese Government would be accepted by it and by the Government in whose name they spoke. Not then, nor at any time since, has the correctness of their representations been called in question. They stand to-day as the true exposition of the sentiments and intentions of the American Government in all its departments. Upon the strength of these representations the Chinese Government agreed to the modified treaty whose second article I have quoted.

When asked by the Chinese commissioners how our Congress would legislate under the treaty power "to limit" but "not absolutely prohibit" immigration, they were assured that Congress would "act in good faith and with due consideration for the interests and friendship" of China. And at the same time they declared to the Chinese commissioners that as to the Chinese laborers "who under treaty guaranty have come to the United States" (one of the classes who by the pending bill are made subject to deportation or imprisonment for five years) "the Government recognizes but one duty, and that is to maintain them in the exercise of their treaty privileges against any opposition, whether it take the shape of popular violence or legislative enactment." And in reporting to the Secretary of State the complete success of their mission, the American commissioners state that the Imperial commissioners, "in yielding to the request of the United States, have been actuated by a sincere friendship and honorable confidence" that the legislative powers given to our Congress would be exercised "with a wise discretion, in a spirit of reciprocal and sincere friendship, and with entire justice."

Will you say by your approval of this bill that the honorable confidence which, upon the foregoing assurances, the Chinese Government reposed in our Congress shall prove to be a deception and a snare? Can you, parties to this solemn international compact, honestly declare that the provisions of this bill represent the "exercise of a wise discretion," "a spirit of reciprocal and sincere friendship," and are marked "with entire justice?" Can it be that our distinguished commissioners were sent to the Imperial capital to play the part of tricksters, to juggle with words, and to entrap the Government of that great nation into these much desired concessions by high-sounding phrases which were to prove nothing but the mockery of truth and honesty?

Gentlemen of the committee, if you think that by yielding to the demands of the leaders of this unrighteous crusade against the Chinese in the passage of the bill now before you, you will have done with this unwelcome subject, I notify to-day that you are greatly mistaken. Even this measure which must be revolting to every man of honor who does not shut his eyes to our international obligations, to our good faith and to our standing among the nations of the earth—even this measure will not be the last demand of these crusaders. In 1882, soon after the treaty of 1880 was ratified, they called upon Congress to pass an act which strained the treaty to its utmost tension. Not satisfied with this, in 1884 they secured the passage of an amendatory act which went still further in contravention of the spirit of the treaty. And in 1888, under the whip and spur of the excitement of a national election, a bill was rushed through Congress which the Supreme Court has decided was in direct violation of the treaty of 1880. You, gentlemen, remember the exceptional circumstances under which that act was passed,

and I very much doubt if a single one of you takes an honest pride in the part the Senate bore in that transaction. I need only quote in this connection the view expressed by two of the oldest and most experienced members of your body during the debate on that act. Senator Evarts, under whose direction, as Secretary of State, the treaty of 1888 was negotiated, said:

> It is the first time in the diplomatic history of this country of an intervention by legislative action while there was a treaty negotiated by this Government in all its constitutional forms pending for adoption by a foreign nation, and this intervention * * * immediately and absolutely affronts the foreign nation with the suggestion that we will no longer tolerate any such method of dealing with the matter between us. (Cong. Record, vol. 19. p. 8452.)

And Mr. Sherman, chairman of the Committee on Foreign Relations, made this declaration:

> I submit as a national honor whether it be right or proper for us to seek to nullify a treaty that is now being considered by a friendly nation. * * * I frankly say that if our position was reversed and Great Britain was thus to act towards the American people, I would without hesitation vote for a declaration of non-intercourse or war. (Cong. Record, vol. 19, p. 8450.)

Such was the character of the legislation of the last Congress, and with that all of you doubtless hoped and believed that you had done with this business and would not again be called upon to outrage your own sense of honor and the plighted faith of the nation. But, I repeat, the passage of the bill now before your committee will not satisfy the leaders in this movement. I hold in my hand a copy of an ordinance of the city of San Francisco, which became a law on the 14th of the present month, and published in the San Francisco Examiner of the 15th, designating a particular quarter in the suburbs of that city as the only permitted residence of the Chinese population, and requiring them, under penalty of imprisonment, within sixty days to remove from their present place of residence to the new quarter. Notwithstanding Chinese merchants and other industrious, law-abiding, and peaceable residents have invested millions upon millions of dollars in real estate, and established permanent business in their present locations, they are to be forcibly and by the strong arm of the law driven from their homes. The attorney who acted as the city supervisor's counsel and drafted the ordinance states that doubtless the aid of the Federal court will be invoked by the Chinese in defense of their property and business interests, but he says:

> In the mean while there is no reason why the object in view should not be accomplished if the chief of police and police and State judges will carry out the law without stopping to inquire what the judiciary in Washington may think about it three or four years from now.
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> A bill has been prepared and forwarded to Congress which, if it passes, will settle for all time the Chinese question. It provides for the modification of the treaty so as to confer upon State governments the right to empower municipal authorities to do what the State constitutions say they can do.
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> It is in the province of Congress to pass this bill, and if it is enacted the Federal courts can no longer interfere with the people of California in their endeavor to mitigate the evil of Chinese houses of ill-fame, gambling dens, and opium joints in the heart of this city.

As if houses of ill-fame and gambling dens were institutions unknown to American civilization and only peculiar to the Chinese!

So, gentlemen of the Senate, you will please accept this notice publicly served on you by the supervisor's counsel, of San Francisco, that when you have passed the bill now under consideration, shutting out all Chinese merchants from our territory and trampling upon the treaty rights of the laborers now in the United States, your work of

legislation will not then be concluded. You are at once thereafter to be called upon to turn back the wheels of time four centuries and more to the dark ages, when the despised and persecuted Jew was confined to a quarter of every Christian city of Europe, deprived of the protection of the courts, with his life and property at the mercy of every petty tyrant who ruled a town.

No, gentlemen, I think you will agree with me that a time has come when a halt must be called in this reckless and unchristian legislation. There is a point beyond which the public conscience of this nation will not allow you to go in response to the unhealthy sentiment which has its origin in the sand-lot politics of San Francisco. I have no disposition to do injustice to the public opinion of the Pacific coast on this subject of Chinese immigration, but I believe the better sentiment of that coast is that we have gone far enough in legislating on this subject, and that we ought to test fully the efficacy of existing laws before we do further violence to the treaties and to the plighted public faith. And I am quite sure that outside of that coast this nation will not sanction a measure which cuts off Chinese merchants from intercourse with this country. In confirmation of this conviction, I cite you to the action of the Chamber of Commerce of New York, wherein it reviews with disapprobation the passage by the last Congress of the Scott restriction law, discusses at length the hurtful effect of such measures upon our commerce with China, and by formal resolution calls upon our Government "to open negotiations with the Government of China for a peaceful and friendly adjustment of all questions between the two Governments, and for a restoration of the cordial good feelings which have always hitherto marked their intercourse." I firmly believe that there is not a chamber of commerce in this country which would so stultify itself as to approve of the passage of pending bill; but, on the contrary, if they understood its full import and effect, every one of them would protest energetically against it.

In conclusion let us consider the effect of this bill if it should become a law. It will build up a wall of exclusion—I will not insult China by calling it a Chinese wall, for she long ago broke hers down—a wall of exclusion around the territory of the United States, which absolutely shuts out every inhabitant of China except the minister plenipotentiary and the two consuls of San Francisco and New York. Thereafter no merchant or traveler, however high his standing in the commercial world or noble his rank, can scale that wall or enter our territory. What will be its effect in China? I can only speak from my knowledge of international intercourse and the results of broken treaties. It must be regarded by that Government and people as a bold defiance and complete abrogation of all treaty guaranties. It can not be interpreted in any other light than as an invitation to retaliation. When the Chinese merchant is so completely shut out from the United States, it is hardly reasonable to expect that the doors of that kingdom will be kept open to the ingress and egress of American merchants. For many years past American missionaries have been entering China and they have been gradually advancing from the treaty ports into the interior, until to-day the whole empire is open to them. And they have been followed by the contributions of the American churches of all denominations, until millions of dollars have been spent in educating the people of that country in the doctrines of the Christian religion. In the light of the contemplated legislation such an effort would seem a paradox in morals. In view of the proposed treatment of Chinese subjects in the United States, would the Government of that country be justi-

fied in the eyes of its people in allowing the American missionaries to continue their unpopular work of evangelization?

But above and beyond the fate of the American merchants and missionaries there is a higher and more far-reaching question. Can we afford to present the spectacle to the nations of the earth of an utter disregard of treaty stipulations entered into by China reluctantly and at our express and urgent solicitation? Can we afford to affront the great nation? Truly a great nation; a nation which had a history and a consolidated government before the Pyramids were built; which in the enjoyment of peace and prosperity saw the Assyrian Empire rise and fall; which had a literature and art before the days of Pericles and Augustus; which produced a philosopher who announced to his people the golden rule five centures before the founder of the Christian religion appeared upon the earth; which practiced the art of printing a thousand years before Gutenberg was born; which possessed a system of education, laws, civilization, commerce, and all the substantial elements of well-organized government when our English forefathers were savages. True, in the last century it has not kept pace with the modern inventions and appliances of deadly warfare. For thousands of years it has been mainly an agricultural people and devoted to the arts of peace. It has no large armies and but the nucleus of a navy.

To-day we can trample upon her treaties with impunity and deny to her people within our borders the rights conceded to the meanest subjects of the most petty monarchy of Europe or republic of America without fear of the consequences. But, as I have already said, China is beginning to feel the effect of intercourse with Christian nations. She is training her untold millions in warfare and has begun her naval armament. In 1887 our minister at Peking sent to the State Department what he termed was an important document, an article written by Marquis Tseng, one of the leading statesmen of that country, entitled "China: The Sleep and the Awakening," in which he discussed the relations of China to the Christian nations, and pointed out the provisions in the treaties which wounded her susceptibilities, and which she would "surely and leisurely" proceed to have modified, and the marquis concluded his article with this notable sentence:

> The world is not so near its end that China need hurry, nor the circles of the sun so nearly done that she will not have time to play the rôle assigned her in the work of nations.

You and I, Mr. Chairman, may not live to feel the ultimate effects of our treatment of the Chinese nation. Another century may witness a different condition of affairs than that which confronts us to-day.

APPENDIX.

Arrivals and departures of Chinese at San Francisco from August 2, 1882, to October 1, 1888, with and without certificates.

	Arrivals.	Departures.
1882	28	5,289
1883	2,772	10,006
1884	5,494	12,078
1885	8,592	11,284
1886	6,205	12,623
1887	10,937	10,272
1888	17,233	7,422
Total	51,261	68,974

Excess of departures over arrivals	17,713
Excess of departures over arrivals from October 1, 1888, to March 14, 1890	9,195
Total excess of departures	26,908

CUSTOM-HOUSE, SAN FRANCISCO, CAL.,
Collector's Office, March 12, 1890.

I hereby certify that the number of Chinese laborers' certificates issued at this office under section 4 of the act of May 6, 1882, and July 5, 1884, and remaining outstanding on October 1, 1888, was twenty thousand four hundred and forty-three.

T. G. PHELPS,
Collector.

Arrivals and departures of Chinese at San Francisco from October 1, 1888 (Scott act), to March 14, 1890.

Date.	Arrivals.	No.	Date.	Departures.	No.
1888.			1888.		
Oct. 7	Belgic	161	Oct. 9	New York	220
7	Westminster	250	15	Westminster	196
14	Parthia		27	Peking	377
14	Peking	111	18	Belgic	320
26	Arabic	133	27	Parthia	94
Nov. 1	Sydney	5	Nov. 7	Arabic	516
10	Oceanic	5	17	Sydney	178
23	Rio de Janeiro	1	28	Oceanic	280
Dec. 2	Gaelic	3	Dec. 8	Rio de Janeiro	184
14	New York		18	Gaelic	256
22	Belgic	6	29	New York	147
1889.			1889.		
Jan. 5	Peking	2	Jan. 5	Belgic	70
14	Arabic	5	15	Peking	130
24	Sydney	1	24	Arabic	73
Feb. 1	Oceanic		Feb. 4	Sydney	59
12	Rio de Janeiro		12	Oceanic	83
21	Gaelic		20	Rio de Janeiro	74
Mar. 3	New York		Mar. 2	Gaelic	90
9	Belgic	15	11	New York	48
17	Peking	2	20	Belgic	145
27	Arabic	2	28	Peking	50
Apr. 6	Sydney		Apr. 6	Arabic	128
16	Oceanic	14	15	Sydney	109
25	Rio de Janeiro	4	23	Oceanic	130
May 2	Gaelic	4	May 2	Rio de Janeiro	101
10	New York	5	11	Gaelic	200
21	Belgic	11	18	New York	40
26	Peking	14	25	Belgic	129
June 3	Arabic	15	June 3	Peking	89
12	Sydney	12	11	Arabic	188
21	Oceanic	18	20	Sydney	77
30	Rio de Janeiro	1	29	Oceanic	207
July 8	Gaelic	23	July 9	Rio de Janeiro	105
15	New York	14	20	Gaelic	186
23	Belgic	35	Aug. 3	Belgic	275
Aug. 4	Peking	36	13	Peking	61
7	Arabic	30	22	Arabic	223
18	Sydney	40	31	Sydney	270
25	Oceanic	45	Sept. 10	Oceanic	452
Sept. 7	Rio de Janeiro		18	Rio de Janeiro	153
18	Gaelic	88	Oct. 3	Gaelic	721
25	New York		29	Peking	361
Oct. 5	Belgic	102	Nov. 9	Arabic	745
18	Peking	32	21	Oceanic	423
23	Arabic		Dec. 3	Rio de Janeiro	471
Nov. 7	Sydney	55	14	Gaelic	334
11	Oceanic	54	26	China	152
20	Rio de Janeiro	18	1890.		
Dec. 1	Gaelic	29	Jan. 7	Belgic	74
6	China	25	23	Peking	55
17	Belgic	34	Feb. 4	Oceanic	182
1890.			15	Rio de Janeiro	148
Jan. 9	Peking	63	27	Gaelic	259
22	Oceanic	50	Mar. 11	China	209
Feb. 4	Rio de Janeiro	18			
12	Gaelic	19		Total	10,837
21	China	18			
Mar. 9	Belgic	25			
	Total	1,642			

Departures	10,837
Arrivals	1,642
Excess	9,195

[From San Francisco Examiner, March 5, 1890.]

REMOVAL OF CHINATOWN—MAYOR POND APPROVES THE BINGHAM MUNICIPAL ORDER—SIXTY DAYS IN WHICH TO VACATE—CONSUL BEE SAYS THE CHINESE WILL HAVE THE ORDER DECLARED UNCONSTITUTIONAL WHEN IT REACHES THE COURTS—WHAT WILL BE DONE IF ARRESTS ARE MADE.

Mayor Pond yesterday signed the Bingham ordinance providing for the removal of the Chinese from Chinatown to a tract within the boundaries described in the ordinance which follows.

The order becomes practically a law upon the approval of the mayor, having been formally passed by the board of supervisors.

The constitutionality of the order has already been passed upon by City and County Attorney Flournoy, who has given it as his opinion that it will stand the test of the supreme court. It will go into effect within sixty days, before which time no action can be taken in the matter one way or the other.

Following is the order:

Order No. ——, designating the location and the district in which Chinese shall reside and carry on business in this city and county.

The people of the city and county of San Francisco do hereby ordain as follows:

SECTION 1. It is hereby declared to be unlawful for any Chinese to locate, reside, or carry on business within the limits of the city and county of San Francisco, except in that district of said city and county hereinafter prescribed for their location.

SEC. 2. The following portions of the city and county of San Froncisco are hereby set apart for the location of all Chinese who may desire to reside, locate, or carry on business within the limits of said city and county of San Francisco, to wit:

Within that tract of land described as follows: Commencing at the intersection of the easterly line of Kentucky street with the southwesterly line of First avenue; thence southeasterly along the southwesterly line of First avenue to the northwesterly line of I street; thence southwesterly along the northwesterly line of I street to the southwesterly line of Seventh avenue; thence northwesterly along the southwesterly line of Seventh avenue to the southeasterly line of Railroad avenue; thence northeasterly along the southeasterly line of Railroad avenue to Kentucky street; thence northerly along the easterly line of Kentucky street to the southwesterly line of First avenue and place of commencement.

SEC. 3. Within sixty days after the passage of this ordinance all Chinese now located, residing in, or carrying on business within the limits of said city and county of San Francisco shall either remove without the limits of said city and county of San Francisco or remove and locate within the district of said city and county of San Francisco herein provided for their location.

SEC. 4. Any Chinese residing, locating, or carrying on business within the limits of the city and county of San Francisco, contrary to the provisions of this order shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a term not exceeding six months.

SEC. 5. It is hereby made the duty of the chief of police and of every member of the police department of said city and county of San Francisco to strictly enforce the provisions of this order.

And the clerk is hereby directed to advertise this order as required by law.

In board of supervisors, San Francisco, February 17, 1890.

Passed for printing by the following vote:

Ayes: Supervisors Bingham, Wright, Boyd, Pescia, Bush, Ellert, Wheelan, Becker, Pilster, Kingwell, Barry, Noble.

JNO. A. RUSSELL, *Clerk*.